

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Cause No. 1:22-CR-00037-MPB-TAB
)
)
JIMMIE HARRIS,)
)
)
Defendant.)

GOVERNMENT'S SENTENCING MEMORANDUM

Comes now the United States of America, by counsel, Zachary A. Myers, United States Attorney for the Southern District of Indiana, and Peter A. Blackett, Assistant United States Attorney, and respectfully submits this Sentencing Memorandum.

I. INDICTMENT AND PETITION TO ENTER PLEA OF GUILTY

On March 1, 2022, Jimmie Harris (Harris) was charged in an Indictment with Count 1: Possession with the Intent to Distribute Controlled Substances in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(viii). (Dkt 26). On May 1, 2023, the parties filed a Petition to Enter a Plea of Guilty and Plea Agreement. (Dkt. 45). Under the terms of the plea agreement Harris will plead guilty to Possession with Intent to Distribute Controlled Substances as charged in Count One of the Indictment. *Id.* The plea agreement is pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) and the parties are agreeing that the appropriate disposition of the cause includes a sentence of 168 to 175 months' imprisonment. *Id.* Probation completed a Pre-Sentence Investigation Report (PSR) and determined that the Defendant's guideline range is 188-235

months' imprisonment. While the plea agreement sentencing range is slightly lower than the sentencing guideline range, the Defendant and the Government determined that this was an appropriate resolution for this matter.

II. FACTUAL SUMMARY

The United States incorporates by reference the factual summary set forth in the Defendant's PSR. (Dkt. 50 at 3-5.)

III. GOVERNMENT'S SENTENCING RECOMMENDATION

The Untied States respectfully submits that a sentence of 175 months is sufficient, but not greater than necessary, to promote the purposes of sentencing, and would appropriately balance the seriousness of the Defendant's conduct with the applicable mitigating factors. *See* 18 U.S.C. §3553(a).

The defendant has a lengthy criminal history and a previous state of Indiana convictions for Burglary and carrying a handgun without a license. In addition, Harris was out on bond when this incident occurred. Harris possessed a significant amount of methamphetamine when he was arrested. Dealing methamphetamine has a significant impact on the community and ruins lives. The behavior of Harris is completely unacceptable.

The parties have agreed the appropriate disposition of the cause includes a sentence of 168 to 175 months' imprisonment and the Government would ask this Court to accept the plea agreement. The plea range that the parties agreed to is slightly lower because the parties believed that Harris' conviction for Operating a Vehicle as a Habitual Traffic Violator would only be worth one point. However, because of a revocation of Harris' Community Corrections sentence,

Harris' received three points for this conviction. While a sentence of 175 months' imprisonment would be a slight downward departure, this is still a significant sentence, and the government believes this is an appropriate sentence. In mitigation, the defendant has a substantial substance abuse problem and a very difficult upbringing.

Weighing the seriousness of the conduct and the mitigating factors, and pursuant to the terms of the plea agreement in this case, the United States respectfully submits that a sentence of 175 months' imprisonment is an appropriate sentence in this case.

IV. CONCLUSION

For the reasons articulated in this sentencing memorandum, the United States respectfully submits that a sentence of 175 months' imprisonment is sufficient, but not greater than necessary, to promote the purposes of sentencing.

Respectfully submitted,

ZACHARY A. MYERS
United States Attorney

By: s/ Peter A. Blackett
Peter A. Blackett
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2023, a copy of the foregoing filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: *s/ Peter A. Blackett*
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